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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,784	08/06/2001	Tom C. Hill	COPA117566	9381
26389	7590	06/03/2005	EXAMINER	
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347			HAILU, TADESSE	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/923,784	HILL ET AL
	<b>Examiner</b>	<b>Art Unit</b>
	Tadesse Hailu	2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 06 May 2005.
- 2a) This action is **FINAL**.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-50 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-50 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

**DETAILED ACTION**

1. This Office Action is in response to the Amendment submitted/entered with filing of RCE on May 6, 2005
2. The pending claims 1 through 50 are examined herein as follows:

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4, 6, 7, 9, 11, 14, 16, 17, 21-23, 26, 29, 31, 35, 38, 40, and 46 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaplan et al (2001/0056434 A1).

The current invention is directed to a method and system for presenting digital media to a user. Similarly, Kaplan et al (hereinafter, "Kaplan") is also directed to multimedia management method and system for storing, manipulating, and displaying multimedia content to a user (Abstract). Consequently, the claimed subject matter of the present invention is rejected as follows.

With regard to claim 1:

Kaplan discloses a method for managing multimedia data file (Fig. 1, #10) the method includes, among other things, a **user interface** (Fig. 2, #12) for displaying or presenting a plurality of digital media images (items) on a monitor (Fig. 2, #13). The user interface allows user to manipulate (e.g., select) the images. The user interface also receives user input from an input device (paragraph, [0040]).

The user interface also includes a plurality of digital media configurable (e.g., changing the properties (e.g., name) of an image, Fig. 21). Kaplan discloses graphical image as graphical image (e.g. photograph) (which is non-textual). As illustrated in Fig. 19, Kaplan further discloses pluralities of digital images outputted from a digital camera are shown on computer screen 214. Each digital image is identified by its individual file name displayed beneath the image (see Fig. 19). The user interface also includes a plurality of graphical representations presented to the user ([0042], Fig. 7, #48), wherein each of the graphical representations being associated with a respective one of the digital media items ([0042], Fig. 7, see the categories of images, movies (#56), photo (#50), sound (#52)), and depicting one of a plurality of a user-familiar environments (e.g., Fig. 7, picture of kids #58, [0042], Fig. 10, kids at the farm #74, [0047]), wherein each of the plurality of user-familiar environments are associated to at least one type of user familiar format (e.g., photo, sound or movies format), which are “nontextual” user familiar format. Furthermore, each of the graphical representations being selectable by the user (Fig. 7, [0042], also see Fig. 21);

The user interface also includes menu having a plurality of menu options selectable by the user ([0040], Fig. 3, Fig. 2, #15, and Fig. 4, #20); and

Furthermore, the user can configure ([0039]) the digital media items and select ([0062]) the graphical representations and the menu options with up, down, left, right, and selection instructions (Fig. 2, #15, [0039], these are control buttons with up, down, and player control commands including directional buttons).

With regard to claim 4:

Kaplan's user interface (#12) further illustrates representation of photographs included in a slide show wherein the slide show contains a plurality of filmstrips (Fig. 2, see slide show).

With regard to claims 14, 29, and 38:

These claims, while not necessary identical in scope, contain limitations similar to independent claim 4 and therefore are rejected under the same rationale.

With regard to claim 6:

As described above, Kaplan's user interface (#12) illustrates representation of photographs included in a slide show (Fig. 2).

With regard to claims 16, 21-23, 31, 40, and 46:

As described in the rejection of claim 6, Kaplan describes user created photographs in slideshow format (Fig. 2, [0039], Fig. 7, #56). Thus, these claims, while not necessary identical in scope, contain limitations similar to independent claim 6 and therefore are rejected under the same rationale.

With regard to claim 7:

Kaplan's user interface enables user to input or to rename the title of each digital image (Fig. 21, #232, [0063]).

With regard to claim 9:

Kaplan's user interface illustrates the graphical representations of a collection of various types of digital media including digital video, digital audio, text, still image animation, and MIDI (Fig. 7, paragraph, [0038]).

With regard to claims 11 and 35:

As shown in Fig. 7, selecting one of the digital media container or graphical representation (48) results in displaying of the respective media item in a user created predetermined format ([0042]). For example, Fig. 7 shows previously determined media format, such as selecting graphical representation 56, results in a displaying of a movie whereas selecting graphical representation 52 results in a hearing of a previously recorded sound ([0042]).

With regard to claim 14:

As described in the rejection of claim 3, Kaplan describes user created photographs in filmstrip format (Figs. 2, 7, #56).

With regard to claim 17:

As described in the rejection of claim 7, Kaplan also describes user entry of text associated with respective ones of the collection of digital media (Fig. 2, [0063]).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious

at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 5, 12, 15, 27, 30, 36, 39, 45, 47, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan et al (2001/0056434 A1) in view of Ikeda et al (6,111,586).

With regard to claims 2, 5, 12, 15, 27, 30, 36, and 39:

As illustrated in Fig. 2, Kaplan discloses that each of the graphical representations depicts its respective media. Kaplan also discloses accessing and displaying the user's favorite album ([0042]), Fig. 7). Thus, Kaplan discloses the claimed invention except for presenting depictions of photographs in an open photo album and presenting the depictions of photographs and associated text in a storybook. Ikeda discloses a mount (Fig. 3B, #70) for setting or displaying depictions of photographs in an **open photo album** (claims 2, 12, 27, 36) (Fig. 3B, #70). Ikeda also discloses presenting the depictions of photographs and **associated text in the photo album** or story album "storybook"(claims 5, 15, 30, and 39). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the photo album presentation of Kaplan with the photo album presentation of Ikeda because Ikeda teaches that such photo in the album are vividly shown so that user is able to edit, such as, enlarge, reduce and modify/enhance the photo image during the open photo album presentation (Ikeda, column 9, lines 59-67). Ikeda further discloses flipping (see Fig. 3B) each page of the open photo album pages and view all the photos and associated text (Fig. 3B, #73) enclosed in the photo album (or photo book).

5. Claims 3, 13, 18, 20, 24, 28, and 37, 43, 49, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan et al (2001/0056434 A1) in view of Hess et al (6,415,320).

With regard to claims 3, 13, 28, 37:

While Kaplan discloses a container, which is a graphical representation (Fig. 7, #48, [0042]) of a displayed digital image, but Kaplan does not describe this container as a framed picture displayed in a gallery. As illustrated in Fig. 9, Hess et al ("Hess") discloses a **Gallery presentation format**, wherein framed pictures are displayed in a gallery display format (column 9, lines 43-59, Figs. 9A-9B). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to substitute the Gallery presentation format, as taught by Hess, for the multimedia content display (Fig. 2) to obtain the desired display format. As describes in Hess, such a feature (display format) becomes critical in an online commerce environment (column 9, lines 41-59).

With regard to claims 18, 24, 43, 49, and 50:

Kaplan discloses a plurality of menu options or functions associated with a user interface 12. Such options include multimedia acquisition function (importing digital image) (Fig. 1, #16, [0040]), configure the multimedia using I/O and configuration function (Fig. 3, #34), and a favorite menu (user information operation) option that allows users to store their favorite multimedia content in a convenient and quick to find location ([0042]). But Kaplan's menu option does not include product purchase operations. Hess discloses an online trading wherein a perspective buyer will be able to

select an image/item (**product purchase**) of interest just by clicking at the image or the image information (Figs. 9a-9b). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the menu options of Kaplan with the menu options including product purchase information of Hess because the modification enables user to view and select price information of each valuable displayed item images.

With regard to claim 20:

Kaplan in view of Hess further discloses menu options with image enhancement operations such as for example reducing and enlarging an image (see Kaplan, Fig. 9, full screen view of an image).

6. Claims 8, 19, 32, 33, 41, 42, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan et al (2001/0056434 A1) in view of Yates et al (US 2001/0040551 A1).

With regard to claims 8, 19, 32, 33, 41, 42, and 44:

These claims call for a graphical representation of a keyboard display for user entry of text.

While Kaplan discloses conventional selection device such as keyboard or mouse, but Kaplan does not disclose a graphical representation of a **keyboard display** for user entry of text by using directional arrow keys. Yates discloses on screen keyboard for entry of text (Yates, Abstract). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to substitute

the on screen keyboard of Yates for the keyboard of Kaplan because the substitution is an obvious functional equivalent.

7. Claims 10 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan et al (2001/0056434 A1) in view of Doug MacDonald, NWA-PCUG Newsletter Article, 1998.

With regard to claims 10 and 34:

Kaplan's user interface illustrates various types of digital media including graphical representations of photo albums ([0042]). While the user interface is positioned on desktop 44 (Fig. 4), Kaplan does not disclose photo albums positioned on a bookcase. MacDonald, however, discloses a **Bookcase** containing multi-shelf libraries that contain digital photo (or other graphic) albums (MacDonald, page 1). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the display of Kaplan with a Bookcase layout containing image/photo display of MacDonald because the modification will enable user to have an easier access to view images.

8. Claim 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan et al (2001/0056434 A1) in view of Hess et al (US 6,415,320) as applied to claim 24 above, and further in view of Friedman et al (US 20030208556 A1).

While Kaplan in view of Hess discloses displayed product image of an item (Hess, Figs. 9A-9B), but Kaplan in view of Hess fail to disclose the selected product is an electronic greeting card including associated text provided by the user for transmission to one or more user-designated recipients. Friedman discloses a system

for enabling on-line creation of greeting cards customization (e.g., entering associated text with the card) and distribution of the cards with gifts to a designated recipient (see Abstract, paragraph [0014]). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to substitute the images (Hess, Figs. 9A-9B) of Kaplan in view of Hess with greeting card images of Friedman because user will be able to use the important features and benefits of the creating and customizing the greeting card as taught by Friedman (paragraphs, [0008-0013]).

***Response to Arguments***

9. Applicant's arguments filed June 28, 2004 have been fully considered but they are not persuasive. The Applicants argue, "Kaplan does not disclose graphical representations depicting nontextual user-familiar formats for identifying the type of digital image file that is stored." In contrast to the Applicants argument, the graphical representation as disclosed in Kaplan represents for example, picture of kids #58, (see Fig. 7), picture of kids at the farm #74 (see Fig. 10), these are graphical representation, Kaplan in addition includes individual title/name of the image or picture representation, so that user will easily remember the image and the type of image.

Furthermore, the disclosure of the instant application illustrates that each digital image is associated, like Kaplan, with a name or title (textual) of the image (Fig. 2, page 5, lines 28-page 6, lines 2). Thus, similar to Kaplan, the graphical representation shows graphic picture, a textual representation shows the name of the graphic picture. Thus, the graphics representation is of course "nontextual" (see Kaplan, picture of kids #58, (see Fig. 7), picture of kids at the farm #74 (see Fig. 10),

Applicants further argue, "Kaplan fails to disclose graphical representations associated with a respective one of the digital media items, wherein the digital item include only digital images, not video or audio files." The Examiner strongly disagrees because Kaplan discloses displaying or outputting on a screen (Fig. 19) a plurality of digital images received from a digital media at least including digital camera, scanner or computer.

Applicant argues that "none of the cited secondary reference teach graphical representations associated only with respect digital images, each of the graphical representations each of the graphical representations depicting one of a plurality of non-textual user-familiar format, each of the formats identifying a particular type of media file." The Examiner disagrees because each of the reference cited describes at least one or more user selectable media format that is familiar to the user. Each applied reference discloses graphical image as graphical image (e.g. photograph) (which is non-textual).

### **Conclusion**

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 273-4051. The Examiner can normally be reached on M-F from 10:00 - 630 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (571) 273-4048 Art Unit 2173.

11. An inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tadesse Hailu

5/23/05

A handwritten signature in black ink, appearing to read "Tadesse Hailu".